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OLC #78-4089/B

Central Intelligence Agency

Washington, D.C. 20505

Executive Registry
78-3131/5

22 NOV 1978 General Counsel

Honorable Birch Bayh, Chairman
Select Committee on Intelligence
United States Senate
Washington, D.C. 20510

Dear Mr. Chairman:

I have been asked by the Counsel to the President to transmit to you the enclosed copy of the President's letter to me of 19 September 1978. That letter implements Section 3-403 of Executive Order 12036 by establishing a standard to be followed in reporting to your Committee "information relating to intelligence activities that are illegal or improper and corrective actions that are taken or planned."

I of course will assume responsibility for reporting to your Committee under the President's standard so far as concerns activities of CIA. So far as concerns activities of other intelligence agencies, I am informed that the President has sent letters similar to the enclosure to the Attorney General, relative to the FBI, and to the Secretary of Defense.

Yours sincerely,
/s/ Stansfield Turner

STANSFIELD TURNER

Enclosure

cc: Honorable Robert J. Lipshutz
Counsel to the President

NSC review completed.

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THE WHITE HOUSE

WASHINGTON

September 19, 1978

To Admiral Turner

As I stated in my July 27, 1977, letter to Senator Inouye, I consider intelligence abuses to be of such import that I intend to deal personally with such matters, including the obligation of the Executive Branch to inform the appropriate congressional committees. Therefore, I am writing, pursuant to Section 3-4 of Executive Order 12036, to indicate the appropriate procedures for reporting to congressional committees ". . . information relating to intelligence activities that are illegal or improper and corrective actions that are taken or planned."

The CIA should continue to report to the Intelligence Oversight Board activities which raise questions of legality or propriety. The IOB will review the matter and, if it raises a serious question, report it to me with its recommendations. If you feel that the gravity of a matter is such that it should be reported directly to me, the information also should be provided at the same time to the IOB so that it can begin its review promptly.

After considering the reports of the CIA and the IOB and, on questions of legality, the judgment of the Attorney General, I will review any determinations that an activity is illegal or improper, the proposed corrective action, and the manner and timing of reporting to the Congress. You will then make the appropriate report on the matter to the congressional committees, except when I communicate the matter to them directly.

In the case of questions of legality or propriety which you believe are so minor that they clearly do not need to be brought to my attention, you should continue to

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inform congressional committees, as well as the IOB, in a timely manner. You may, of course, at any time suspend an activity which raises a serious question of legality or impropriety, until a final determination is made whether the activity should be modified or discontinued and what other corrective action is required.

If in your judgment special circumstances require reporting an illegal or improper activity to Congress within a time period shorter than those outlined here, you should so indicate at the time the matter is reported to the IOB or to me.

In any event, you should discuss this concern either with myself or the IOB before undertaking to report the matter to Congress ahead of this timetable.

Sincerely,

Jimmy Carter

Admiral Stansfield Turner, USN
Director of Central Intelligence
Washington, D.C. 20505

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